

Federal Communications Commission

DA 99-769

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DISPATCHED BY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 98-27
Table of Allotments,) RM-9188
FM Broadcast Stations.)
(Munds Park, Arizona))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 14, 1999

Released: April 22, 1999

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making* ("Notice"), 13 FCC Rcd 4576 (1998), issued in response to a petition for rule making filed by Dancing Terrapin Broadcasting ("petitioner") proposing the allotment of FM Channel 291A to Munds Park, Arizona, as that locality's first local aural transmission service. Petitioner filed supporting comments in response to the *Notice*. No other comments were received.

2. Petitioner initially provided information in support of the proposal stating that Munds Park contains numerous evidence of community indicia such as a post office, church, several service stations, restaurants, businesses, a newspaper, fire department, motels, RV parks, sanitation and maintenance departments, a country club and a golf course. However, as Munds Park is neither incorporated nor a census designated place, petitioner was requested to provide additional information to demonstrate those entities nexus with Munds Park, as opposed to other areas, to support a finding that Munds Park is a community, as that term is defined for purposes of Section 307(b) of the Communications Act of 1934, as amended, for allotment objectives.¹

3. In response, petitioner provided a Forest Service map reflecting that Munds Park is separate and distinct from Flagstaff to the north and from Sedona, Arizona, located in the southwest. Additionally, petitioner provided a section from the US West telephone book devoted to listings for Munds Park, including Pinewood, a planned community within Munds Park. In addition to personal listings, the telephone book also reflects many businesses and organizations that identify themselves with the community, such as Motel in the Pines Munds Park; Munds Park Community Church; Munds Park Exxon; Munds Park Post Office; and Munds Park RV Campground. Further, petitioner advises that the telephone book also lists

¹The *Notice* recognized that Munds Park is listed in the 1998 Rand McNally Commercial Atlas and Marketing Guide with a population of 1,250 (summer population listed as 3,000). However, petitioner was advised that geographic location is not sufficient to establish community status. See *Vimville, Mississippi*, 48 FR 5974 (1983).

many individuals and organizations with a "Pinewood" street address,² that are located within Munds Park, such as Pinewood Chevron; Pinewood Chimney & Home Services; Pinewood Country Club; Pinewood Fire Department; Pinewood Gardens; Pinewood Home Center; the Pinewood News; Pinewood Pizza Company; Pinewood Realty; Pinewood Rental Management; Pinewood RV Park; and the Pinewood Sanitary District. Petitioner reports that other businesses located in Pinewood that include Munds Park in their names include the Munds Park Beauty Salon; Munds Park Maintenance A-Z and Munds Park Mini-Storage. Moreover, petitioner advises that Pinewood alone contains in excess of 2,500 residences. Petitioner also provided photographs showing road signs located on I-17 depicting the name "Munds Park". Additionally, petitioner furnished aerial photographs of the community to demonstrate that Munds Park is surrounded by the Coconino National Forest and is therefore a separate and distinct community from other population groupings.

4. In addition to the above, it has come to our attention that approximately 39 businesses are attributed to Munds Park. Among the additional listed entities are machine products, construction companies, a highway maintenance department, financial services, masonry services, a roofing concern, security service, carpet facilities, and a U-Haul company.

5. In consideration of the above, we believe that Munds Park contains sufficient indicia to conclude that it is a community for allotment purposes. It is an identifiable population grouping with business entities that identify themselves with the residents of Munds Park. *See Westley, California*, 13 FCC Rcd 2470 (1998). Therefore, we will allot Channel 291A to Munds Park, Arizona, as requested.

6. As stated in the *Notice*, Channel 291A can be allotted to Munds Park in conformity with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules utilizing the city reference coordinates at 34-56-44 NL and 111-38-22 NL.

7. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 7, 1999, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED to include Munds Park, Arizona, as follows:

<u>City</u>	<u>Channel No.</u>
Munds Park, Arizona	291A

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. A filing window for Channel 291A at Munds Park, Arizona, will not be opened at

²Petitioner states that Pinewood is a planned community within, but not coterminous with Munds Park.

this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

10. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

**John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau**